

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DUSTIN MARTIN,

Plaintiff,

v.

FULLER BRISBON, et al.,

Defendants.

Case No. 2:22-cv-02083-GMN-EJY

ORDER

This action commenced when Plaintiff, a former inmate, filed his 42 U.S.C. § 1983 Civil Rights Complaint on December 16, 2022. On June 21, 2023, following his release from prison, Plaintiff filed an application to proceed *in forma pauperis*. ECF No. 13. Based on the financial information provided, the Court grants Plaintiff leave to proceed without prepayment of fees or costs under 28 U.S.C. § 1915(a)(1).¹ On January 27, 2023, the Court imposed a stay and ordered the parties to mediate with a court-appointed mediator. ECF No. 3, 6. A resolution was not reached. ECF Nos. 9, 11.

For the foregoing reasons, **IT IS HEREBY ORDERED** that:

1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 13) is **GRANTED**. Plaintiff is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the giving of security therefor.

2. The Clerk of the Court will electronically **SERVE** a copy of this Order, the Screening Order (ECF No. 3), and a copy of Plaintiff's Complaint (ECF No. 4) on the Office of the Attorney General of the State of Nevada, by adding the Attorney General of the State of Nevada to the docket sheet. This does not indicate acceptance of service.

3. Subject to the findings of the Screening Order (ECF No. 3), within 21 days of the date of entry of this Order, the Attorney General's Office must file a notice advising the Court and

¹ Plaintiff is not subject to the requirements of 28 U.S.C. § 1915(a)(2), (b) because he is no longer a "prisoner" within the meaning of the statute. See 28 U.S.C. § 1915(h).

1 Plaintiff of: (a) the names of the defendants for whom it accepts service; (b) the names of the
2 defendants for whom it does not accept service, and (c) the names of the defendants for whom it is
3 filing the last-known-address information under seal. As to any of the named defendants for whom
4 the Attorney General's Office cannot accept service, the Attorney General's Office must file, under
5 seal, but will not serve the Plaintiff the last known address(es) of those defendant(s) for whom it has
6 such information. If the last known address of the defendant(s) is a post office box, the Attorney
7 General's Office must attempt to obtain and provide the last known physical address(es).

8 4. If service cannot be accepted for any of the named defendant(s), Plaintiff will file a
9 motion identifying the unserved defendant(s), requesting issuance of a summons, and specifying a
10 full name and address for the defendant(s). For the defendant(s) the Attorney General's Office
11 cannot provide last-known-address information, Plaintiff must provide the full name and address, if
12 known, for the defendant(s).

13 5. If the Attorney General accepts service of process for any named defendant(s), such
14 defendant(s) must file and serve an answer or other response to the Complaint (ECF No. 4) within
15 60 days from the date of this Order.

16 6. Service of the operative complaint on defendants must be accomplished within 90
17 days of the date of this Order.

18 7. Plaintiff must serve upon defendant(s) or, if an appearance has been entered by
19 counsel, upon their attorney(s), a copy of every pleading, motion or other document submitted for
20 consideration by the Court. If Plaintiff electronically files a document with the Court's electronic-
21 filing system, no certificate of service is required. Fed. R. Civ. P. 5(d)(1)(B); Nev. Loc. R. IC 4-
22 1(b); Nev. Loc. R. 5-1. However, if Plaintiff mails the document to the Court, Plaintiff must include
23 with the original document submitted for filing a certificate stating the date that a true and correct
24 copy of the document was mailed to the defendants or counsel for the defendants. If counsel has
25 entered a notice of appearance, Plaintiff must direct service to the individual attorney named in the
26 notice of appearance, at the physical or electronic address stated therein. The Court may disregard
27 any document received by a district judge or magistrate judge that has not been filed with the Clerk,
28

1 and any document received by a district judge, magistrate judge, or the Clerk that fails to include a
2 certificate showing proper service when required.

3 8. This case is no longer stayed.

4 DATED this 5th day of July, 2023.

5 
6 ELAYNA J. YOUCHAH
7 UNITED STATES MAGISTRATE JUDGE
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28